

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

**Susan Neese, M.D; James Hurly,
M.D.; and Jeffrey Barke, M.D.**, on
behalf of themselves and others similarly
situated,

Plaintiffs,

v.

Xavier Becerra, in his official capacity as
Secretary of Health and Human
Services; **United States of America**,

Defendants.

Case No. 2:21-cv-00163-Z

**JOINT MOTION TO EXTEND DEADLINE FOR SUBMITTING
JOINT PROPOSED SCHEDULING ORDER**

The Court's order of February 8, 2022 (ECF No. 22) instructs the parties to submit a joint proposed scheduling order to the Court by March 1, 2022. The defendants, however, have moved to dismiss the plaintiffs' amended complaint, and the motion is fully briefed and awaiting decision.

The parties respectfully ask the Court to extend the deadline for submitting their joint proposed scheduling order until 14 days after the Court rules on the pending motion to dismiss. The parties are unable to agree on discovery deadlines when it not yet known which claims (if any) will survive the defendants' motion to dismiss, and it is not yet known when the Court will rule on the pending motion or whether any discovery will be needed in light of the Court's ruling. It would preserve both judicial economy and the parties' time and resources to await a decision on the motion to dismiss before attempting to plan or schedule discovery. The parties have also agreed that they will reconvene their Rule 26(f) conference no later than seven (7) days after

the Court rules of the pending motion to dismiss if any of the plaintiffs' claims survive.
A proposed order is attached.

CONCLUSION

The Court should extend the parties' deadline for filing their joint proposed scheduling order until 14 days after the Court rules on the pending motion to dismiss.

Respectfully submitted.

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Dated: March 1, 2022

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CERTIFICATE OF SERVICE

I certify that on March 1, 2022, I served this document through CM/ECF upon:

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